

Revised for
Second Reading
April 4, 2006

ORDINANCE NO. 06-07

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, PROPOSING THAT SECTION 7.03 OF THE KEY WEST CHARTER BE AMENDED TO PROVIDE AN EXCEPTION TO THE REFERENDUM REQUIREMENT FOR THE CONVEYANCE OF CITY-OWNED REAL PROPERTY WHEN SUCH PROPERTY IS AN AFFORDABLE HOUSING UNIT; SETTING THE GENERAL ELECTION OF SEPTEMBER 5, 2006, AS THE DATE OF REFERENDUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes Section 166.031 and Key West Charter Section 8.01(a) provide the City Commission with the authority to propose by ordinance a Charter amendment; and

WHEREAS, the City shall follow Florida Statutes Section 100.342 concerning notice of a referendum and Florida Statutes Section 101.161 concerning preparation of the referendum ballot; and

WHEREAS, the City Commission desires to establish an exception to the referendum requirement for the conveyance of City-owned real property when the proposed sale, long-term lease or other conveyance is an affordable housing unit; and

WHEREAS, the City Commission desires that the proposed referendum appear on the General Election ballot of September 5, 2006;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: An amendment to Key West Charter section 7.03 shall hereby be presented as a referendum to the voters of Key West. The question appearing on the ballot shall have the following title: "Referendum - Exception To Referendum Requirement For Conveyance Of City-Owned Affordable Housing Units." The question appearing on the ballot shall be worded as follows:

Shall the City of Key West Charter be amended to provide an exception to the current referendum requirement for the sale, lease, conveyance or other transfer of City-owned property when such property is an affordable housing unit?

YES

NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 7.03 of the Key West Charter shall be amended as follows:

**7.03 Referendum required for conveyance of
city-owned real property; exceptions.**

The city shall not sell, convey or otherwise transfer any real property, or any interest therein, to any person without the transfer being approved by referendum. The lease of city-owned real property in areas of the city other than the redevelopment areas for a term greater than ten (10) years shall be considered a conveyance requiring referendum. The lease of city-owned real property, located either in the Caroline Street Corridor and Bahama Village Redevelopment Agency area or located among those real properties exsessed by the United States Navy to the city during the local redevelopment authority process, for a term greater than twenty (20) years shall be considered a conveyance requiring referendum. This provision shall not be applicable to the following:

(a) A sale, lease, conveyance or other transfer to another governmental agency.

(b) The release of a claim or interest in land to settle, or aid the settlement of, record title to real property.

(c) Sales of lots in the city cemeteries.

(d) The sale, lease, conveyance or other transfer of an affordable housing unit, such unit as defined in the city of Key West affordable housing ordinance, as amended.

Section 3: The City Clerk is hereby authorized and instructed to take all necessary and proper action to place the referendum question set forth in Section 1, above, on the General Election ballot of September 5, 2006, and to provide notice of the referendum election as provided by law.

Section 4: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 5: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 6: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 21st day of March, 2006.

Read and passed on final reading at a regular meeting held this 4th day of April, 2006.

Authenticated by the presiding officer and Clerk of the Commission on 5th day of April, 2006.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK